

REMARKS

I. Claim 18-33 and 36-40 are Allowable

The Office has rejected claims 18-40 under 35 U.S.C. §112, first paragraph, on page 2 of the Office Action, as failing to comply with the written description requirement. Applicants note that claims 18-33 and 36-40 are currently pending in the application. Hence, the rejection of previously canceled claims 34-35 is moot. Applicants respectfully traverse the remaining rejections.

In relation to claims 18, 31 and 38, the Office states

Claim(s) limitation such as “graphical user interface to receive user inputs to define a user zone, the user zone comprising a desired area of operation to subscribe to wireless service option; wherein the mobile... user zone to a network...”. The claims limitation was not supported by original specification. See the specification in par. [0019], [0021]. The meaning of the specification are not the same meaning in claim limitation and unclear; for example “to transmit vector information related to the user zone” as described above.

See Office Action, page 2

Claim 18-30

The claim elements of claim 18 are fully supported in the specification as originally filed in relation to the embodiment of FIG. 4 as described in paragraphs [0019], [0021]-[0022] and [0024] which state:

[0019] FIG. 4 shows one embodiment of the user terminal 24 for defining the asymmetrical user zone of FIG. 3. The user terminal 24 is a telephone or wireless data device that has an integrated graphical user interface 41 to create user defined zones of service operation in real-time in connection with a wireless communication network. The current position of the user is shown on the graphical user interface 41 by a "you are here" (YAH) indicator 42. The position of the user terminal 24 is known because the user terminal 24 includes a GPS receiver 43. (Emphasis added)

[0021] Using the graphical user interface 41, the user defines a desired area of operation to subscribe to service options or features for a temporary duration. The graphical user interface 41 provides a map with a grid overlay or a grid interface to the user. The user selects the distance scale as described above to define the available area of interest. Preferably the map includes street and landmark

information of the present location. The grid presentation provides landmark information of the location including significant buildings 44, hotels 46, conference centers 48, restaurants 50, or the like. Using the stylist 52, the user may select the points to be associated with the desired user's zone. For example, the user may select a simple radius of service from the present location 42 defining a circle of service with a radius for the user zone. Alternatively, or in addition, the user may define points on the map creating a polygon service area like that shown in FIG. 3. This information is then communicated to the MSC wherein the service provider combines the desired points with line segments to define an enclosed user zone. Of course, a track-ball, touch screen, light pen, mouse, keypad or other pointing devices could be used in place of the pointing stylus to provide the input means. (Emphasis added)

[0022] Rather than incorporating a GPS receiver into the user terminal 24, a map can also be downloaded to the user terminal 24 from the communication service provider. This allows the user to define a desired radius of service, or select points to define vectors to define a desired user zone. This has an additional benefit because the defined user zone need not be referenced from the present location of the user terminal 24. (Emphasis added)

[0024] The present user zone assignment method also allows multiple wireless service providers to compete for the desired temporary user zone. In such a case, the user defines a desired zone of interest as described above with reference to FIG. 4, and transmits the desired user zone and communication service options to all of the wireless service providers in the transmission area. The wireless service providers, in turn, transmit a response to the user terminal 24. It is contemplated that service providers with available network resources could likely provide a more competitive quote than over-burdened service providers in the area. This has the obvious benefit of reducing the cost to the users and providing incremental service fees to service providers with available network resources. (Emphasis added)

The above emphasized text provides clear support for the claim language of claims 18-30. As described, a map can be downloaded ... which allows the user to define selected points to define vectors to define a desired user zone. (See Specification, paragraph [0022]). This information is then communicated to the MSC wherein the service provider combines the desired points with line segments to define an enclosed user zone. (See Specification, paragraph [0021]). Additional support for the element "to transmit vector information related to the user zone" can be found in paragraph [0024] as it relates to the operation associated with FIG. 4 as described in paragraphs [0019]-[0024]. Hence, there is clear support for claim 18 and specifically "to transmit vector information related to the user zone."

Accordingly, the subject matter of claim 18 is described in the Specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. Hence, claims 18-30 comply with the written description requirement under 35 U.S.C. §112, first paragraph, and are, therefore, allowable.

Applicants observe that the Office states “[H]ow can the user zone with desired area of operation to subscribe to wireless service option ... and what is service options”? (See Office Action, page 3). Such remarks are not found in the body of the rejection but instead in the section titled “Response to Arguments.” Hence, it is not clear how these additional statements relate to the rejection under 35 U.S.C. §112, first paragraph. Nonetheless, the Specification states:

The cellular service area 16 within which the mobile unit 14 can operate is referred to as the home area. For billing purposes, a mobile unit 14 is typically associated with a defined home area 16. Within the home area 16, calls and/or data can be placed to or received from the mobile unit 14 for a predetermined fee arrangement with the communication service provider. For areas outside of the home area 16 where cellular transceivers are present, voice and/or data transmissions are still possible to the mobile unit, however, additional fees are typically associated with such transmissions. These are commonly referred to as "roaming" charges or out-of-network fees.

See Specification, paragraph [0004]

Applicants further direct the Office’s attention to original claims 14-17, which indicate that the services may include voice communication services or data transmission services. (See Specification, original claims 14-17). Thus, the service option would include calls and/or data. In operation, the user defines a desired zone of interest as described above with reference to FIG. 4, and transmits the desired user zone and communication service options to all of the wireless service providers in the transmission area. (See Specification, [0024]).

Claim 31-33 and 36-37

With respect to the §112, first paragraph, rejection of claim 31, the language “to transmit vector information related to the user zone” is not found in claim 31. Further, the language

“graphical user interface to receive user inputs to define a user zone, the user zone comprising a desired area of operation to subscribe to wireless service option; wherein the mobile... user zone to a network...” is not found in claim 31.

Applicants observe that in claim 31, a feature directed to transmitting information related to the desired area to at least one wireless communication service provider, finds clear support in paragraphs [0021] and [0024] of the Specification as originally filed. For example, the Specification states that the user defines a desired zone of interest as described above with reference to FIG. 4, and transmits the desired user zone and communication service options to all of the wireless service providers in the transmission area. (See Specification, paragraph [0024]). In another example, this information (e.g. the user zone) is then communicated to the MSC wherein the service provider combines the desired points with line segments to define an enclosed user zone. (See Specification, paragraph [0021]). Accordingly, the Specification supports transmitting information related to the desired area to at least one wireless communication service provider.

Hence, claims 31-33 and 36-37 comply with the written description requirement under 35 U.S.C. §112, first paragraph, and are, therefore, allowable.

Claim 38-40

The language “to transmit vector information related to the user zone” is not found in claims 38-40. Claims 38-40 are fully supported in the specification as originally filed in relation to the embodiment of FIG. 4 as described in paragraphs [0019], [0021]-[0022] and [0024] and above in relation to claim 18.

Hence, claims 38-40 comply with the written description requirement under 35 U.S.C. §112, first paragraph, and are, therefore, allowable.

II. Claims 18-30 are Allowable

The Office has rejected claims 18-30 under 35 U.S.C. §103(a), on page 6, as being unpatentable over U.S. Patent Application Publication No. 2003/0182052 (“DeLorme”) in view of U.S. Patent No. 5,903,832 (“Seppanen”). Applicants respectfully traverse the rejections.

The cited portions of DeLorme and Seppanen fail to disclose or suggest the specific combination of claim 18. For example, the cited portions of DeLorme do not suggest to receive user inputs to define a user zone, as in claim 18. Instead, DeLorme discloses “selecting points of interest (POIs)” and does not disclose to “define a user zone”, as in claim 18. (See DeLorme, Figure 1A, paragraphs 0049-0050) (Emphasis added). Further, the cited portions of DeLorme do not suggest the user zone comprising a desired area of operation to subscribe to wireless service options, as in claim 18 and as acknowledged by the Office. (See Office Action, page 6). Moreover, the cited portions of Seppanen do not disclose this element of claim 18. Instead, the cited portions of Seppanen disclose a user selecting a cellular telephone network from a list of available networks in the area based either on the name of the network or based on the services (e.g. data, short message service) offered by the network. (See Seppanen, col. 7, lines 54-64 and col. 8, lines 54-65). The cited portions of Seppanen do not disclose or suggest receiving user inputs to define a desired area of operation to subscribe to wireless service options, as in claim 18.

Still further, the cited portions of DeLorme do not disclose or suggest wherein the mobile terminal is adapted to transmit vector information related to the user zone to a network controller within said wireless communication system, as in claim 18. The Office asserts that this feature is disclosed by paragraphs 0044, 0049-0050, and 0065 of DeLorme. Instead, the cited portions of DeLorme disclose a “PDA device is configured to display directions, text and map formats, the user’s current position, heading, speed elevation, and so forth.” (See DeLorme, Abstract). The data that is transferred from the PDA of DeLorme is information that has been recorded on the PDA that is “brought back to and then transferred into the desktop 105 via the data transfer interface 106.” (See DeLorme, paragraph 43; Figure 1A). The cited portions of DeLorme do not disclose “to transmit vector information related to the user zone”, as in claim 18. Therefore, the

cited portions of DeLorme and Seppanen, separately or in combination, do not disclose or suggest each and every element of claim 18. Hence, claim 18 is allowable.

Claims 19-30 depend from claim 18, which Applicants have shown to be allowable. Accordingly, claims 19-30 are also allowable, at least by virtue of their dependency from claim 18.

Further, the dependent claims include additional features not disclosed by the cited portions of the references. For example, the cited portions of DeLorme do not disclose that the vector information comprises at least one radius vector with respect to said mobile terminal location, as in claim 20. Instead, the cited portions of DeLorme disclose that the vector data is a route. (*See* DeLorme, paragraph 65, Figure 1A2 (35, 36)). Further, the cited portions of DeLorme do not disclose that the location information is received at said mobile terminal from said wireless communication system, as in claim 23. Rather, DeLorme receives location information from receiving signals from GPS satellites to calculate location. (*See* DeLorme, paragraph [0013]). Still further, the cited portions of DeLorme do not disclose that the user inputs define at least one user selected vector that represents a radius defining a circle about said mobile terminal, as in claim 28. Instead, the cited portions of DeLorme disclose that the vector data is a route. (*See* DeLorme, paragraph 65, Figure 1A2 (35, 36)). For these additional reasons, claims 19-30 are allowable.

III. Claims 31-33 and 36-40 are Allowable

The Office has rejected claims 31-33 and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over DeLorme in view of U.S. Patent Application Publication No. 2006/0116507 (“Oppermann”). Applicants respectfully traverse the rejections.

U.S. Patent Application Publication No. 2006/0116507 has issued as U.S. Patent No. 7,353,017, issued to Chen et al., and has a filing date of *November 30, 2004*. Thus, the filing date of U.S. Patent Application Publication No. 2006/0116507 is *November 30, 2004*. The filing date of the present application is July 16, 2003. U.S. Patent Application Publication No. 2006/0116507 was published in the year 2006 also *after the filing of the instant application* on

July 16, 2003. Hence, U.S. Patent Application Publication No. 2006/0116507, now U.S. Patent No. 7,353,017, is not prior art.

Applicants observe that the USPTO's database version of U.S. Patent Application Publication No. 2006/0116507 has erroneously associated another filing date, inventorship, application serial number and title to this publication. Nonetheless, U.S. Patent Application Publication No. 2006/0116507 according to Public PAIR and U.S. Patent No. 7,353,017 has an earliest filing date of November 30, 2004. The asserted filing date of October 24, 1997 is clearly in error in view of the corrections indicated on issued U.S. Patent No. 7,353,017 citing the U.S. Patent Application Publication No. 2006/0116507 and, additionally, based on the information from Public PAIR.

For this reason, the rejection of 31-33 and 36-40 under 35 U.S.C. § 103(a) as being unpatentable over DeLorme in view of U.S. Patent Application Publication No. 2006/0116507 (now U.S. Patent No. 7,353,017) should be withdrawn.

Second, the application to Oppermann having Serial No. 08/957,425, filed October 24, 1997, titled "OSTEOGENIC DEVICES" now U.S. Patent No. 6,586,388 has absolutely nothing to do with mobile devices. Instead, Oppermann is directed to DNA sequence encoding proteins. Thus, any combination of DeLorme as modified by the DNA sequences of Oppermann does not and would not produce Applicants' claimed invention.

Claims 31-33 and 36-37

The cited portions of DeLorme and Oppermann (U.S. Patent No. 6,586,388) do not disclose or suggest the specific combination of claim 31. For example, the Office acknowledges that DeLorme does not suggest defining a desired area with respect to the location in response to the user interaction; transmitting information related to the desired area to at least one wireless communication service provider; and receiving from at least one wireless communication service provider wireless communication services within said desired area, as in claim 31. (See Office Action, page 9). Oppermann (U.S. Patent No. 6,586,388) does not disclose defining a desired area with respect to the location in response to the user interaction; transmitting information

related to the desired area to at least one wireless communication service provider; and receiving from at least one wireless communication service provider wireless communication services within said desired area, as in claim 31. In contrast, Oppermann discloses DNA sequences encoding proteins. Hence, claim 31 is allowable.

Claims 32-33 and 36-37 depend from claim 31, which Applicants have shown to be allowable. Thus, claims 32-33 and 36-37 are allowable, at least by virtue of their dependency from claim 31.

Claims 38-40

The cited portions of DeLorme and Oppermann (U.S. Patent No. 6,586,388) do not disclose or suggest the specific combination of claim 38. For example, the Office acknowledges that DeLorme does not disclose or suggest to transmit information related to the desired user zone to one or more wireless service providers and receive one or more responses from the one or more wireless service providers, as in claim 38. (See Office Action, page 9). Oppermann (U.S. Patent No. 6,586,388) does not disclose to transmit information related to the desired user zone to one or more wireless service providers and receive one or more responses from the one or more wireless service providers, as in claim 38. In contrast, Oppermann discloses DNA sequences encoding proteins. Hence, claim 38 is allowable.

Claims 39-40 depend from claim 38, which Applicants have shown to be allowable. Thus, claims 39-40 are allowable, at least by virtue of their dependency from claim 38.

CONCLUSION

Applicants have pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the cited portions of the references as applied in the Office Action. Accordingly, Applicants respectfully request reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims.

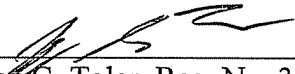
Any changes to the claims in this response, which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

The Examiner is invited to contact the undersigned attorney at the telephone number listed below if such a call would in any way facilitate allowance of this application.

The Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

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Date


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